IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF MAY
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 11097 of 2008

Between:

1 Gunda Namashivaiah, S/o. Gunda Muttilingam,
R/o. 12-6-82 to 84, SVN Road, Warangal.
2 Gunda Anantharamulu, S/o. Gunda Ramaiah,
R/o. 12-6-85, SVN Road, Warangal.
3 Gunda Rajeshwar, S/o. Gunda Muttilingam,
R/o. 12-6-85, SVN Road, Warangal.
4 A.Sandya Rani, W/o. Apparao,
R/o. 12-8-87, SVN Road, Warangal.
5 S.Jagadeeshwar, S/o. Satyanarayana,
R/o. 12-6-88, SVN Road, Warangal.
6 Chavan Ramesh, S/o. Laxminarayana,
R/o. 12-7-1, SVN Road, Warangal.
7 Anumoji Omprakash, S/o. Buchilingam,
R/o. 12-7-2, SVN Road, Warangal.
8 Narige Mallikamba, W/o. Mallesham,
R/o. 12-7-3, SVN Road, Warangal.
9 Ganeshan Umalini, W/o. P.Ganeshan,
R/o. 12-7-4, 16-6-197, 16-3-290 & 291,
Warangal.
10 Poola Dhanalaxmi, W/o. Gourishankar,
R/o. 12-7-5, SVN Road, Warangal.
11 Ananthula Srinivas, S/o. Late Kedari,
R/o. 12-7-6, SVN Road, Warangal.
12 Yebari Pandarinath, S/o. Kankaiah,
R/o. 12-7-7, SVN Road, Warangal.
13 Yebari Prakasham, S/o. Panakala Swamy,
R/o. 12-7-8, SVN Road, Warangal.
14 Gabchand, S/o. Kimchand,
R/o. 12-7-9, SVN Road, Warangal.
15 Gunda Prakash Rao, S/o. Muthilingam,
R/o. 12-7-10, SVN Road, Warangal.
16 Koduri Suryanarayana, S/o. Shekaraiah,
R/o. 12-7-11, SVN Road, Warangal.
17 Rama Rajendra, S/o. Narasaiah,
R/o. 12-7-12, SVN Road, Warangal.
18 Munukuntal Ramesh, S/o. Late Kedari,
R/o. 12-7-13 & 14, SVN Road, Warangal.
19 Mudigonda Veereshalingam, S/o. Shankerlingam,
R/o. 12-7-16 & 17, SVN Road, Warangal.
20 K.Srinivashankar, S/o. shanker Rao,
R/o. 12-7-18, SVN Road, Warangal.
21 Palepu Mohan, S/o. Somalingam,

R/o. 12-7-19 & 20, SVN Road, Warangal.

22 Appalachetti Upendra, W/o. Chandramouli,
R/o. 12-7-21, SVN Road, Warangal.

23 Checherla Somaraju, S/o. Nagendra,
R/o. 12-7-22, SVN Road, Warangal.

24 Munukunta Sadashivudu S/o.Veerasomaiah
R/o.12-7-23 SVN Road
Warangal

25 Munukunta Umapathi S/o.Veerasomaiah
R/o.12-7-23 SVN Road
Warangal

26 Munukunta Somarajaiah S/o.Veerasomaiah
R/o.12-7-25 SVN Road
Warangal

27 Kasam Ravi S/o.Sambamurthy
R/o.12-7-26 SVN Road
Warangal

28 Konduri Balakamma W/o.Shekariah
R/o.12-7-27 SVN Road
Warangal

29 Tonupoonuri Rajeshwar S/o.Soma Lingam
R/o.12-7-28 SVN Road
Warangal

30 Garimalla Venkateshwarlu S/o.Ramaiah
R/o.12-7-29 SVN Road
Warangal

31 Tonnupoonuri Sharada W/o.Mallikarjun Rao
R/o.12-7-30&31 SVN Road
Warangal

32 Alladi Apparao S/o.Kedari
R/o.12-7-32& 37 SVN Road
Warangal

33 Samudrala Anasuya W/o.Daivashikamani
R/o.12-7-33 SVN Road
Warangal

34 Vajinapalli Gopalakrishnamurthy S/o.Narayana
R/o.12-7-45 SVN Road
Warangal

35 Garepalli Sadanandam S/o.Damoder
R/o.12-7-46 SVN Road
Warangal

36 Pulimati Krishna Murthy S/o.Seetharamaiah
R/o.12-7-47 SVN Road
Warangal

37 Vajinapally Rajakala W/o.Srinivasulu
R/o.12-7-48 SVN Road
Warangal

38 Belide Vijayalaxmi W/o.Rajeshwar Rao
R/o.12-7-50 SVN Road
Warangal

39 Erukulla Harishankar S/o.Tarakanadam
R/o.12-7-50 SVN Road
Warangal

40 Erukala Ravi Kumar S/o.Somashekaram
R/o.12-7-51 SVN Road
Warangal

41 Kalva Deenadayal S/o.Veerabhadraiah
R/o.12-7-52/1 SVN Road

Warangal

42 Bandavaram Varada Rajulu S/o.Ayodhya
R/o.12-7-53 SVN Road
Warangal

43 Erukulla Ramesh S/o.Late Ramanandam
R/o.12-7-54 & 8-2-55 SVN Road
Warangal

44 Bandali Susila W/o.Arjun
R/o.12-7-55 SVN Road
Warangal

45 Vajinapalli Rangamai W/o.Vishwanadham
R/o.12-7-56 SVN Road
Warangal

46 Yerram Purnachander W/o.Narsaiah
R/o.12-7-58 SVN Road
Warangal

47 Peddi Santhoshkumar S/o.Nageshwar Rao
R/o.12-7-59 SVN Road
Warangal

48 Gunda Rajeshwar Rao S/o.Rajasekharam
R/o.12-7-48 SVN Road
Warangal

49 P.Gattu Devi W/o.Narayana Singh
R/o.12-7-49 SVN Road
Warangal

50 Pola Pushpavathamma W/o.Laxmaiah
R/o.12-7-31 SVN Road
Warangal

51 Gunda Tejolingam S/o.Rajashekaram
R/o.12-7-48 SVN Road
Warangal

52 Gunda Atmalingam S/o.Rajashekaram
R/o.12-7-47/1-3 SVN Road
Warangal

53 Kodakandla narasimha Ramulu S/o.Sri Sailam
R/o. 12-7-46 SVN Road
Warangal

54 Patha Shakarlingam S/o.Papaiah
R/o. 12-1-44 SVN Road
Warangal

55 Gudimalla Mahesh S/o.Rajasekharam
R/o. 12-1-43 SVN Road
Warangal

56 B.Premanand S/o.Bhimraj
R/o. 12-1-42 SVN Road
Warangal

57 Ravva Somalingam S/o.Narasaiah
R/o. 12-1-41 SVN Road
Warangal

58 Erukulla Gopalam S/o.Lingaiah
R/o. 12-1-40 SVN Road
Warangal

59 Ravva Prasad S/o. Shankara Lingam
R/o. 12-1-39 SVN Road
Warangal

60 Ravv Srinivas S/o.Sundaraiah
R/o. 12-1-38 SVN Road
Warangal

61 Chakilam Prakash S/o.Bhaskaralingam,
R/o. 12-1-35 SVN Road
Warangal
62 Pola Gourishankar S/o.Laxmaiah
R/o. 12-1-34 SVN Road
Warangal
63 Thota Ganesh S/o. Someshwar
R/o. 12-1-33 SVN Road
Warangal
64 Kasam Poonamchander S/o.Atmalingam
R/o. 12-1-32 SVN Road
Warangal
65 Poola Pushpavathamma W/o.Laxmaiah
R/o. 12-1-31 SVN Road
Warangal
66 Gunda Mohan Rao S/o.Rajalingam
R/o. 12-1-30 SVN Road
Warangal
67 Konduri Devi S/o.Dharma Raju
R/o. 12-1-29 SVN Road
Warangal
68 Devarajibda Jnaneswar S./o.Chandra Mouli
R/o. 12-1-28 SVN Road
Warangal
69 Velishala Shankar S./o.Jogaiah Lingam
R/o. 12-1-27 SVN Road
Warangal
70 Velishala Hagadeeshwar s/o.Paarameshwar
R/o. 12-1-26 SVN Road
Warangal
71 Kasam Gourishnakar S/o.Veeranna
R/o. 12-1-25 SVN Road
Warangal
72 Kasam Kasi Nadam S/o.Late Bhumaiah
R/o. 12-1-24 SVN Road
Warangal
73 P.Thirunakkaras S/o.S.K.P.Mudaliar
R/o. 12-1-21 to 23 SVN Road
Warangal
74 Kasam Somalakshmi W/o.Pullaiah
R/o. 12-1-20 SVN Road
Warangal
75 Bonagiri Madhu S/o.Seetharamulu
R/o. 12-1-19 SVN Road
Warangal
76 Kasam Shyamsunder, S/o. Atmalingam,
R/o. 12-1-18, SVN Road, Warangal.
77 Gunda Hymavathi, W/o. Prakash Rao,
R/o. 12-1-17, SVN Road, Warangal.
78 Vodapalli Niranham, S/o. Buchhi Ramulu,
R/o. 12-1-16, SVN Road, Warangal.
79 Gunda Vijaya, W/o. Jagannatham,
R/o. 12-1-15, SVN Road, Warangal.
80 Yeggani Chandraiah, S/o. Venkataiah,
R/o. 12-1-14, SVN Road, Warangal.
81 Gourishetty sushela , W/o. Papaiah Lingam,
R/o. 12-1-13, SVN Road, Warangal.
82 Ch.Rajender, S/o. Veeramalu,

R/o. 12-1-12, SVN Road, Warangal.

83 Jatling Veeranna, S/o. Ramakrishna,
R/o. 12-1-11, SVN Road, Warangal.

84 V.Panchaskshwar, S/o. Shankaraiah,
R/o. 8-2-57/1, RNT Road, Warangal.

85 Pulumati Srinivasulu, S/o. Sriharai,
R/o. 8-2-57, RNT Road,Warangal.

86 G.K.Laxmi, W/o. Nagalingam,
R/o. 8-2-56, RNT Road,Warangal.

87 Jatling Rajalingam, S/o. Rajalingam,
R/o. 8-2-54, SVN Road,Warangal.

88 Tatikonda Satyanarayana, S/o. Veeranna,
R/o. 8-2-53/2 & 8-2-53/3, SVN Road, Warangal.

89 Kalwa Nagaraju, S/o. Veerabhadraiah,
R/o. 8-2-53 & 8-2-53/1, SVN Road, Warangal.

90 Bhndavaram Sridevi, W/o. Srinivasulu,
R/o. 8-2-52, SVN Road, Warangal.

91 Bandavarm Seshamani, W/o. Sudhakar,
R/o. 8-2-51, SVN Road, Warangal.

92 Neeradu Krishna Murthy, S/o. buchhi Ramulu,
R/o. 8-2-50, SVN Road, Warangal.

93 Ch.Mukteeswar, S/o. Nagabhushanam,
R/o. 8-2-49, SVN Road, Warangal.

94 Pavani Devi, W/o. Chhangan Raj,
R/o. 8-2-48, SVN Road, Warangal.

95 Jyothi Devi, W/o. Kewalchand,
R/o. 8-2-47, SVN Road, Warangal.

96 Madhurapu Omkar, S/o. viswanatham,
R/o. 8-2-46, SVN Road, Warangal.

97 Madhurapu Sadasivudu, S/o. viswanatham,
R/o. 8-2-45, SVN Road, Warangal.

98 Chidurula Umamaheswar, S/o. Nagabhushanam,
R/o. 8-2-44/1, SVN Road, Warangal.

99 Chidurula buchiratnam, W/o. Nagabhushanam,
R/o. 8-2-41 to 43, SVN Road, Warangal.

100 Bajjuri Dayakar, S/o. Krishna Murthy,
R/o. 8-2-37 & 38, SVN Road, Warangal.

101 Medicherla Chimbereshwar, S/o. Hari Shankar,
R/o. 8-2-36, Old Beet Bazar, Warangal.

102 Medicherla Somaiah, S/o. Shankara Lingam,
R/o. 8-2-35, Old Beet Bazar, Warangal.

103 Medicherla Mallikarjuna, S/o. Peddanna,
R/o. 8-2-34, Old Beet Bazar, Warangal.

104 Thota Jagannadham, S/o. Muktheeswar,
R/o. 8-2-33 & 32, Old Beet Bazar, Warangal.

105 A.R.C.Vishwara Rao, S/o. Chennaiah,
R/o. 8-2-31 & 30, Old Beet Bazar, Warangal.

106 Maduri Shankara Lingam, S/o. Koti Lingam,
R/o. 8-2-29 & 26, Old Beet Bazar, Warangal.

107 Addagudi Pushpavathi, W/o. Nagabhusanam,
R/o. 8-2-28 & 27, Old Beet Bazar, Warangal.

108 Pitta Ramesh Shanker, S/o. Narsaiah,
R/o. 8-2-25, Old Beet Bazar, Warangal.

109 Chidara Rajashekar, S/o. Om Prakash,
R/o. 8-1-61, Old Beet Bazar, Warangal.

110 Suram Yadagiri, S/o. S.Lingam,
R/o. 8-1-62, Old Beet Bazar, Warangal.

111 Poola Rajeshwara Rao, S/o. Somanna,

R/o. 8-1-63 Old Beet Bazar, Warangal.

112 Chidara Anuradha, W/o. Omprakash,
R/o. 8-1-64, Old Beet Bazar, Warangal.

113 Chidara Sneha, D/o. Omprakash,
R/o. 8-1-65, Old Beet Bazar, Warangal.

114 Rama Goverdhan, S/o. Kishtaiah,
R/o. 8-1-66, Old Beet Bazar, Warangal.

115 Kolipaka shankar, S/o. Lingaiah,
R/o. 8-1-60, Old Beet Bazar,SVN Road, Warangal.

116 Kolipaka Srinivas, S/o. Lingaiah,
R/o. 8-1-60, Old Beet Bazar,SVN Road, Warangal.

117 Yatiraj Dalia, S/o. Dalia,
R/o. 8-1-59, Old Beet Bazar,SVN Road, Warangal.

118 Dasu Sharad, S/o. D.Manohar,
R/o. 8-1-59/1, Old Beet Bazar,SVN Road, Warangal.

119 Addagudi Goverdhan, S/o. Mallaiah,
R/o. 8-1-58, Old Beet Bazar,SVN Road, Warangal.

120 Chidara Somashekar, S/o. Raja Mukeethshwar,
R/o. 8-1-57, Old Beet Bazar,SVN Road, Warangal.

121 Chidara Chandramoulishwar, S/o. Somashekaram,
R/o. 8-1-56, Old Beet Bazar,SVN Road, Warangal.

122 Chidara Omkareshwar, S/o. Somashekaram,
R/o. 8-1-55,12-8-38, Old Beet Bazar,SVN Road, Warangal.

123 Chidara Rajanna, S/o. Parvatheesam,
R/o.12-8-37, Old Beet Bazar,SVN Road, Warangal.

124 Chidara Padmavathi, W/o. Parvatheesham,
R/o.12-8-36, Old Beet Bazar,SVN Road, Warangal.

125 Chidara Annamma, W/o. Lingaiah,
R/o.12-8-35, Old Beet Bazar,SVN Road, Warangal.

126 Ch.Subbalaxmi, W/o. Ch.B.L. Shastry (Late),
R/o.12-8-34, Old Beet Bazar,SVN Road, Warangal.

127 Komuravelli Rajeshwar Rao, S/o. Vaikuntam,
R/o.12-8-33, Old Beet Bazar,SVN Road, Warangal.

128 Nerella Venu Madhava Rao, S/o. Sri Hari,
R/o.12-8-32, Old Beet Bazar,SVN Road, Warangal.

129 Gudimalla Umesh, S/o. Janaki Ramulu,
R/o. 12-8-31, Old Beet Bazar,SVN Road, Warangal.

130 Gudimalla Krishna Murthy, S/o. Rajeshwar Rai,
R/o.12-8-30, Old Beet Bazar,SVN Road, Warangal.

131 Vodapelly Krishnam Raju, S/o. Bikshapathy,
R/o.12-8-28, Old Beet Bazar,SVN Road, Warangal.

132 Komuravelli Gyaneshwar, S/o. Veerabhadraiah,
R/o.12-8-27, Old Beet Bazar,SVN Road, Warangal.

133 Komuravelli Ashok Kumar, S/o. Vykuntam,
R/o.12-8-25, Old Beet Bazar,SVN Road, Warangal.

134 Gunda Sai Ram, S/o. Shankaralingam,
R/o.12-8-22, 12-8-19, Old Beet Bazar,SVN Road, Warangal.

135 Gunda Rajanna, S/o. Veraiah,
R/o.12-8-18,19,12-8-20,21, Old Beet Bazar,SVN Road, Warangal.

136 Brammadevara Venu Gopal, S/o. Somalingam,
R/o. 12-8-16 & 17, Old Beet Bazar,SVN Road, Warangal.

137 Poola Ramesh, S/o. Uppalaiah,
R/o. 12-8-13, Old Beet Bazar,SVN Road, Warangal.

138 Poola Sammaiah, S/o. Uppalaiah,
R/o. 12-8-14, Old Beet Bazar,SVN Road, Warangal.

139 ganishetty Shashidar, S/o. Shankaraiah,
R/o. 12-8-11/8, Old Beet Bazar,SVN Road, Warangal.

140 Noorbai Lalani, W/o. ghulam Hussain,

R/o. 12-8-10, Old Beet Bazar,SVN Road, Warangal.

141 Peddi Ravindranath, S/o. Badrinath,
R/o. 12-8-9, Old Beet Bazar,SVN Road, Warangal.

142 Dagapalli Hanumatha Rao, S/o. Agaiah,
R/o. 12-8-8, Old Beet Bazar,SVN Road, Warangal.

143 Nagamalla Sarla, W/o. Rayalingam,
R/o. 12-8-7, Old Beet Bazar,SVN Road, Warangal.

144 Ramani Mallaiah, S/o. Rajamouli,
R/o. 12-8-1, Old Beet Bazar,SVN Road, Warangal.

145 Ramini vijay Kumar, S/o. Mrutyanjayalingam,
R/o. 12-8-6, Old Beet Bazar,SVN Road, Warangal.

146 Madarapu Sulochana, W/o. Venkateswarlu,
R/o.16-5-39, Fort Road, Near Railway Gate,
Warangal.

147 Madarapu Venkateswarlu, S/o. Pullaiah,
R/o.16-5-40, Fort Road, Near Railway Gate,
Warangal.

148 S.G.Raju, S/o. P.Ganeshan,
R/o.16-6-196, Fort Road, Near Railway Gate,
Warangal.

149 Ramini Ramappa, S/o. Rajamouli,
R/o. 12-8-1, Old Beet Bazar,SVN Road,
Warangal.

150 Beeravalli Vijay Kumar, S/o. Markandeya,
R/o. 15-11-228, Ramannapet,
Warangal.

151 Vajinepalli Srinivasulu, S/o. Narasaiah,
R/o. 12-1-65, Old Beet Bazar,SVN Road,
Warangal.

152 Basead Savithri, W/o. Sudershan,
R/o. 12-2-49, Old Beet Bazar,SVN Road,
Warangal.

153 Madarapu Omkar, S/o. Vishwanadam,
R/o. 12-2-39, Old Beet Bazar,SVN Road,
Warangal.

154 Kasam Ramesh , S/o. Davalap,
R/o.12-1-78,12-1-81, SVN Road, Warangal.

155 Alladi Srinivasulu, S/o.Appa rao,
R/o.12-1-54, Batla Bazar, Warangal.

156 K.Paravathamma, W/o. Srinivasulu,
R/o.12-1-57, SVN Road, Warangal.

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PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by its Principle Secretary, Road and Buildings Department,
Secretariat, Hyderabad.

2 The District Collector, Warangal, Warangal District.

3 Warangal Municipal Corporation at Warangal rep. by its Commissioner, Warangal.

4 Kakitya Urban Development Authority rep. by its Vice Chairman, at Hanamkonda.

5 The Chief Engineer, Road and Buildings Department, Erramanzil, Hyderabad.

6 The Superintendent of Engineer, Road and Buildings Department, Warangal, Warangal
District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in seeking to acquire the land and structures to an extent of 25 to 30 feet belonging to the petitioners situated on either side of the existing road locally known as S.V.N. Road leading from M.G.M. Hospital through Railway Gate to Khammam & Ursu Road, Warangal without initiating proceedings under Land Acquisition Act and without paying compensation at market rate for the structures and land (particulars of which described in the cause title) for the purpose of widening of existing road from 60 to 100 feet to lay the proposed Railway Over Bridge over the existing manually operated Railway Gate as illegal, arbitrary and in violation of Article 300-A of Constitution of India and consequently direct the respondents not to demolish the buildings located on the either side of the road leading from M.G.M. Hospital to Khammam Road, Warangal, Warangal District without initiating proceedings under Land Acquisition Act and without paying compensation at market value for the structures and pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.A.RAVINDER

Counsel for the Respondent : GP FOR ROADS & BUILDINGS

Sri G.Visweswar Reddy for R4

GP for Land Acquisition

Sri V. Durga Nageswara Rao

The Court made the following :

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 11097 of 2008

ORAL ORDER :

The petitioners, who are occupants of various items of property on the S.V.N. Road, in Warangal state that the respondents have marked substantial portion of the respective premises for the purpose of demolition in the context of construction of a Railway Over-bridge.

2. Their grievance is that several steps are being taken, though no proceedings were initiated under Land Acquisition Act

nor any compensation was paid to them. They apprehend that their premises would be demolished without initiating any proceedings.

3. Heard the learned counsel for the petitioners and the learned Govt. Pleader for the respondents and the learned Standing Counsel for the fourth respondent.

4. It appears that the respondents are planning to construct a bridge, over Railway line in Warangal town and for that purpose it becomes necessary to acquire the properties on both sides of the road. The marking of the premises of the petitioners appears to be as a matter of survey and estimation.

5. The petitioners cannot be said to suffer any detriment pm account of marking of the portions, likely to be effected. The property of a private individual can be taken over by the Government only after initiation of proceedings under Land Acquisition Act or on the basis of negotiating settlement.

6. Therefore, the writ petition is disposed of directing that the properties of the petitioners or any portion thereof adjoining the SVN Road at Warangal shall not be taken over by the respondents, except by following the procedure prescribed by law. No costs.

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JUSTICE L . NARSIMHA REDDY.

22-5-2008.
I s L

NB: Issue CC in two days.
B/o. I s L